

Stream Buffer Variance Application Instructions

A properly completed application and fees are due at the time of submittal. The submittal deadline is the first Wednesday of each month. Variance requests will be considered the third Wednesday of the following month by the Zoning Board of Appeals (ZBA).

Administrative variances are considered by the Community Development Director. There is no deadline to submit for an administrative variance.

****Incomplete applications will not be accepted****

Application Materials

| REQUIRED ITEMS | CHECK (✓) |
|--|--------------|
| Variance Application: Provide one original and one copy (2 total) of original and notarized signatures of the property owner(s), or a notarized statement from the property owner authorizing submittal of the variance by the applicant on their behalf. | |
| Variance Fee: <ul style="list-style-type: none"> ➤ Single-Family Residential Request = \$250 plus \$50 for each additional request ➤ Commercial/Multi-Family Request = \$350 plus \$100 for each additional request ➤ Public Notification Sign Fee = \$135 for each 500 feet of frontage on a public street. | |
| Letter of Intent: A written description stating the hardship, background and justification for the variance request. The letter shall address the list of criteria under "Required submittals for variance requests" found on page 1. | |
| Site Plan & Legal Description: Provide two copies of a dimensioned, oriented and scaled site plan, showing the location of the stream and delineation of the stream buffer (state, 50-foot undisturbed and 25-foot additional setback), locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land development or land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated. Also refer to additional site plan requirements found on page 4. | |
| Mitigation Requirements (<i>not required for administrative variances</i>): (A) The provision for storm water management and water quality control measures pursuant to Sec.14-40 and Sec.14-42 of the code for 100% of the total existing and proposed impervious areas on the parcel; provided, however, in adopting such measures, the exemptions in Sec. 14-40(b)(3) of the code are not available for purposes of this Sec.14-44.7(b). (B) the planting of one 2-1/2" caliper tree of a similar type on the parcel, in addition to any other tree(s) that are required to satisfy the landscape or tree ordinances of the city, for each tree having a diameter of eight (8) inches or greater at breast height that is removed from the buffer or setback area pursuant to an approved variance under this ordinance. | |

Required Submittals for Variance Requests

Buffer or setback variance request shall include the following per Section 14-44.7(d)(1):

1. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features as determined by field survey, including those state waters, wetlands and floodplain boundaries located on adjacent parcels that lie within seventy-five (75) feet of the boundaries of the subject parcel;
2. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the parcel;
3. A site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land development or land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
4. Documentation of the adverse, material hardship should the buffer be maintained
5. At least one alternative plan, which does not include a buffer or setback intrusion, and includes an explanation of why such alternative plan is not feasible;
6. A calculation of the total area and length of the proposed intrusion
7. A stormwater management site plan; and,
8. Proposed mitigation for the intrusion as outlined in Section 14-44.7(b)(1)

The following is the list of criteria that will be considered for variance requests per Section 14-44.7(d)(2):

1. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the parcel;
2. The locations of all streams on the parcel, including along parcel boundaries and within adjacent parcels;
3. The location and extent of the proposed buffer or setback intrusion;
4. Whether alternative designs are possible which require less intrusion or no intrusion;
5. The water-quality impacts of the proposed variance; and,
6. Whether the proposed mitigation compensates for the lost buffer or setback functions and otherwise maintains the function of the required buffer or setback at the same site where the impact will occur and provides at least the same protection of the water as provided by the natural features to be disturbed or removed.

Additional Information:

No variance shall be granted allowing encroachment into the buffer area that is closer than thirty-five (35) feet from the stream channel unless either (i) the encroachment is (A) necessary because of a circumstance constituting force majeure, or (B) for any rehabilitation or reconstruction by a parcel owner of an impervious cover existing within the buffer described in Sec. 14-44.7(a)(I), or; (ii) the State of Georgia grants the parcel owner a permit to encroach into the 25 foot state stream buffer area.

For *Grandfather Provisions*, refer to Section 14-44.5 of the Stream Buffer Protection Ordinance

For *Exemptions*, refer to Section 14-44.6 of the Stream Buffer Protection Ordinance

For *Additional Information Requirements* refer to Section 14-44.9 of the Stream Buffer Protection Ordinance

Stream Buffer Variance Application

| | | | | |
|-------------------|--|---|-----------------|-----------------|
| Type | Type of Request: <input type="checkbox"/> Administrative Variance <input type="checkbox"/> Variance (Zoning Board) | | | |
| | Briefly Describe Variance Request: | | | |
| | | | | |
| | | | | |
| Project | Name of Project/Subdivision: | | | Present Zoning: |
| | Property Address/Location: | | | |
| | District: | Land Lot: | Block: | Property ID: |
| Owner Information | Name: | | | |
| | Address: | | | |
| | Phone: | | Fax: | |
| | Cell: | | Email: | |
| Applicant | Name: | | | |
| | Address: | | | |
| | Phone: | | Fax: | |
| | Cell: | | Email: | |
| Affidavit | <i>To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance. I understand that failure to supply all required information (per the relevant checklists and requirements of the Brookhaven Zoning Ordinance) will result in the rejection of this application.</i> | | | |
| | Applicant's Name (please print): | | | |
| | Applicant's Signature: | | | Date: |
| | | | | |
| Notary | Sworn to and subscribed before me this | | | Day of 20 |
| | Notary Public: | | | |
| | Signature: | | | |
| | Date: | | | |
| Office Use | Application Received By: | | Project Number: | |
| | <input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 x number of signs required*) | | | |
| | Fee: \$ | Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC | | Date: |
| | <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied | | | Date: |

Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this variance application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

| | | | |
|---|---|--------------|-------|
| Property Owner | Signature: | | Date: |
| | Address: | City, State: | Zip: |
| | Phone: | | |
| | Sworn to and subscribed before me this _____ day of _____, 20____ | | |
| | Notary Public: | | |
| Property Owner (If Applicable) | Signature: | | Date: |
| | Address: | City, State: | Zip: |
| | Phone: | | |
| | Sworn to and subscribed before me this _____ day of _____, 20____ | | |
| | Notary Public: | | |
| Property Owner (If Applicable) | Signature: | | Date: |
| | Address: | City, State: | Zip: |
| | Phone: | | |
| | Sworn to and subscribed before me this _____ day of _____, 20____ | | |
| | Notary Public: | | |

Additional Site Plan Requirements

All applicable items must be included on the Site Plan

1. Key and/or legend and site location map with North arrow
2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning.
3. Acreage of subject property
4. Existing and proposed lot coverage calculation
5. Location of land lot lines and identification of land lots
6. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property.
7. Proposed streets on the subject site
8. Current zoning of the subject site and adjoining properties
9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property.
10. Location of proposed buildings with total square footage
11. Layout and minimum lot size of proposed single family residential lots
12. Topography on the subject site and adjacent property up to 200 feet as required to assess runoff effects.
13. Location of overhead and underground electrical and pipeline transmission/conveyance lines
14. Required and/or proposed setbacks
15. 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
16. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed
17. Required and proposed parking spaces; Loading and unloading facilities
18. Lakes, streams, wetlands, and Waters of the State and associated buffers
19. Proposed stormwater management facilities
20. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access.
21. Availability of water system and sanitary sewer system
22. Tree lines, woodlands and open fields on subject site